

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Preston Q. Howard

Docket No.: 4:19CR00959-1 AGF

Name of Sentencing Judicial Officer: The Honorable James Randal Hall, Chief Judge United States District Court, Southern District of Georgia; On November 15, 2019, jurisdiction transferred to The Honorable Audrey G. Flessig, United States District Judge, Eastern District of Missouri.

Date of Original Sentence: July 24, 2018

Original Offense: Ct. 1-3: Obstruction of Persons in the Free Exercise of Religious Beliefs

Original Sentence: 24 months imprisonment, this term consists of 24 months imprisonment as to each of Counts 1 through 3, all to be served concurrently and 3 years supervised release; This term consists of terms of 3 years supervised release as to each of Counts 1 through 3, to be served concurrently.

Type of Supervision: Supervised Release

Date Supervision Commenced: September 10, 2019
Expiration Date: September 9, 2022

Assistant U.S. Attorney: Nancy Colleen Greenwood

Defense Attorney: Henry Nelson Crane III

PETITIONING THE COURT

To issue a summons

The probation officer believes that the offender has violated the following condition of supervision:

Violation Number

Mandatory Condition No. 1: You must not commit another federal, state or local crime.

Nature of Noncompliance

On February 5, 2022, Howard was charged by the Wright City Police Department with Misusing 911. According to the report (22-00069WC), Howard contacted the 911 emergency line and stated his brother left his residence and Howard found it odd. Dispatch advised the reporting officer that this was Howard's fifth time contacting the 911 emergency line since January 15, 2022. Howard contacted 911 for the following:

- January 16, 2022, at 00:52. Howard stated he wanted to go back to jail for six months.
- January 23, 2022, at 02:36. Howard stated he had tremors.
- February 2, 2022, at 23:26. Howard stated he cannot get his car in the garage

- February 3, 2022, at 04:10. Howard stated his ADT alarm went off by accident from his “stupid roommate.”

Upon the officer’s arrival, Howard stated he had been trying to contact his friend and the friend was not contacting Howard back. Howard stated he was starting to get concerned about his friend. Howard stated he did not believe his friend was in any danger.

The reporting officer stated a probable cause statement and warrant application would be completed and forwarded to the Warren County Prosecutor’s office for their consideration.

On February 17, 2022, Howard received a citation from the Wright City Police Department for failure to retrain his dog. According to the report (22-00107WC), Howard contacted the Warren County Dispatch regarding a dog that ran away. Howard told the reporting officer he let his friend’s dog out to go to the bathroom and it ran away. Howard stated he let the dog out without a leash. Howard was issued a citation with a Court date of March 23, 2022.

On March 1, 2022, Howard received a citation from the Wright City Police Department for failure to retrain his dog. According to the report (22-00108WC), Howard contacted the Warren County Dispatch stating he let his dog out and wanted the police to respond to find it. Officers noted that Howard had contacted Warren County Dispatch 53 times in the previous 30 days for non-emergencies. When interviewed by police, Howard stated he let the dog out without a leash. Howard was issued a citation with a Court date of March 23, 2022.

The United States Probation Office contacted a detective with the Wright City Police Department to discuss Howard’s behavior. The detective advised the probation office that Howard is always intoxicated when they respond to his residence.

It should be noted, this pattern of behavior is similar in nature to Howard’s instant offense.

On February 18, 2022, the probation office contacted Howard to discuss his repeated contact with law enforcement. Howard explained that the Wright City Police Department was harassing him and issuing him citations for no reason. Howard was directed to stop contacting law enforcement, particularly 911, unless there was a true emergency creating harm to himself or his residence, or criminal activity happening at his residence. While speaking to Howard, it was evident that he did not recall each contact he had with law enforcement. Howard stated his sleep medication makes him forget.

Violation Number

Standard Condition No. 2: After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

Nature of Noncompliance

On February 14, 2022, the probation officer contacted Howard and directed him to report to the probation office on February 17, 2022, at 8:30 AM. Howard was again contacted on February 16, 2022 and reminded of his appointment. Howard failed to report as directed.

On February 17, 2022, the probation officer contacted Howard and directed him to report to the probation office on February 22, 2022, at 8:00 AM. Howard was again contacted on February 18, 2022, and February 21, 2022, and reminded of his appointment. Howard failed to report as directed.

Violation Number

Standard Condition No. 8: You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.

Nature of Noncompliance

In a report submitted to the Court on January 5, 2022, it was noted Howard had a registered sex offender living at his residence. Since that time, Howard has been given numerous directives to cease contact with this individual. Howard has repeatedly ignored those directives and continues to have contact.

On March 3, 2022, the probation officer contacted Howard and again directed him to cease contact with this individual. Howard would not assure the probation officer that he would cease contact. The probation officer has received numerous communications from Howard discussing his continued contact with this individual.

Violation Number

Special Condition No. 3: You must not use or possess alcohol.

Nature of Noncompliance

On January 14, 2022, Howard submitted to substance abuse testing at Fine Counseling, a testing facility located in O'Fallon, Missouri. The test subsequently tested positive for the presence of ethyl alcohol.

When interviewed, Howard admitted to consuming alcohol on the evening of January 13, 2022.

Violation Number

Special Condition No. 1: You must participate in an alcohol abuse treatment program and follow the rules and regulations of that program. The probation officer will supervise your participation in the program. You must pay the costs of treatment in an amount to be determined by the probation officer, based on your ability to pay or availability of third-party payment.

Nature of Noncompliance

On January 5, 2022, Howard was referred for substance abuse counseling at Fine Counseling. Howard was contacted by the probation office and directed to engage in treatment. He was provided the contact information. As of March 4, 2022, Howard has failed to engage in counseling.

On February 6, 2022, the probation officer contacted Howard and directed him to contact community resources and schedule inpatient treatment. Howard was directed to have an inpatient report date by February 11, 2022. Howard was given contact information for a community resource. Howard was reminded of this directive on February 7, 2022. Howard failed to secure an inpatient date as directed.

On February 25, 2022, the probation officer contacted Howard and directed him to contact community resources and schedule inpatient treatment. Howard was directed to have an inpatient report date by March 2, 2022. Howard was given contact information for a community resource. Howard was reminded of this directive on February 27, 2022, and February 28, 2022. Howard failed to secure an inpatient date as directed.

On March 2, 2022, Howard contacted the probation officer and advised he was scheduled for an assessment and pre-screen at Bridgeway on March 3, 2022, at 3:00 PM. Howard was contacted by the probation office on the morning of March 3, 2022 and reminded to attend his assessment.

On March 3, 2022, at 9:16 PM, Howard contacted the probation officer and advised he had overslept and missed his assessment with Bridgeway. Howard stated he would be rescheduled.

Violation Number

Special Condition (added on March 13, 2020): You must participate in a mental health treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (provider, location, modality, duration, intensity, etc.).

Nature of Noncompliance

On January 7, 2022, February 21, 2022, and March 3, 2022, Howard failed to report for his individual mental health counseling session with McGuire Counseling.

When interviewed regarding this missed counseling session on January 7, 2022, Howard reported that his vehicle was stuck in snow in his driveway, and he would not shovel it out.

When interviewed regarding this missed counseling session on February 21, 2022, Howard stated he had his days mixed up and accidentally missed it.

When interviewed regarding this missed counseling session on March 3, 2022, Howard stated he had overslept.

Violation Number

Special Condition No. 2: You must submit to substance abuse testing to determine if you have used a prohibited substance. You must not attempt to obstruct or tamper with the testing methods.

Nature of Noncompliance

On January 19, 2022, February 17, 2022, and February 22, 2022, Howard failed to report for substance abuse testing at Fine Counseling.

When interviewed, Howard had no explanation for the missed tests on January 19, 2022, and February 17, 2022. Howard stated he missed the February 22, 2022, test due to not feeling well.

Previous Violations

On March 13, 2020, a modification of conditions for mental health treatment was submitted to the Court advising that Howard was communicating with inmates in a Federal Bureau of Prisons facility. He was also sending threatening text messages to the inmate's family in reference to money owed to the offender by the inmate.

On January 12, 2021, a modification of conditions for 120 days location monitoring was submitted to the Court advising that Howard made racially motivated intimidating comments towards his probation officer, failed to report for substance abuse testing, and failed to report for mental health counseling. The conditions were modified to include location monitoring, which Howard completed.

On March 22, 2021, a report was submitted to the Court advising that Howard was cited for Peace Disturbance and Harassment. In response to these violations, Howard was continued on location monitoring and referred for a psychiatric evaluation.

On July 1, 2021, a report was submitted to the Court advising that Howard was cited with Misusing 911, failed to report for substance abuse testing, possessed alcohol, failed to report for mental health counseling, and failed to comply with the conditions of the location monitoring program. In response to these violations, Howard had a noncompliance meeting with a supervising probation officer, was directed to cease the use of alcohol, and continued in his substance abuse and mental health treatment programs.

On January 7, 2022, a report was submitted to the Court advising that Howard failed to maintain employment, associated with a convicted felon, failed to report contact with law enforcement, failed to report for substance abuse testing, consumed alcohol, and failed to report for mental health counseling. In response to these violations, Howard was verbally reprimanded and referred for intensive outpatient substance abuse treatment.

U.S. Probation Officer Recommendation: It is respectfully recommended that the Court issue a summons and conduct a noncompliance hearing to address Howard's continued noncompliance with the terms of supervised release. It is the position of the probation office that Howard's noncompliant behavior, particularly his numerous instances of Misuse of 911, are a result of his alcohol abuse and occur while he is under the influence of alcohol. Howard has been directed to enter an inpatient substance abuse treatment program. It is the belief of the probation office that a noncompliance hearing before the Court will further reinforce the seriousness of Howard's behavior and help him understand the potential consequences should he continue to disregard the terms of supervision.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 11, 2022

Approved,

by

Timothy J. Goehring
Supervising U.S. Probation Officer
Date: March 11, 2022

Respectfully submitted,

by

John T. Wolf
U.S. Probation Officer
Date: March 11, 2022

THE COURT ORDERS:

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
 - Appearance Date:
 - Appearance Time:
 - Courtroom Number:
- Other

March 23, 2022
2:00 p.m.
12 South

Signature of Judicial Officer

March 11, 2022
Date